

App. No. 10/624,846  
Amdt. Dated September 28, 2005  
Reply to Office Action of June 28, 2005  
Atty. Dkt. No. 4361-100

**Amendment to the Drawings:**

The attached sheet of drawings includes the addition of a new Fig. 4.

Attachment: Replacement Sheet

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## REMARKS/ARGUMENTS

This reply is responsive to an Office Action mailed on June 28, 2005. Reconsideration and allowance of the application and presently pending claims 18-33 are respectfully requested.

### Present Status of the Patent Application

Claims 18-33 remain pending in the present application. Claims 1-17 have been rejected. Claims 1-17 have been cancelled without prejudice. Claims 18-33 have been added.

Applicant has amended the specification and added Fig. 4 to provide clarification to the specification. No new subject matter has been added.

### Response to Drawing Objections

The drawings have been objected to under 38 C.F.R. 1.83(a) as allegedly not showing every feature of the invention specified in the claims. Applicant has amended the claims and submits that the drawings show every feature of the invention specified in the amended claims.

### Response to Claim Rejections Under 35 U.S.C. §112, First Paragraph

Claims 1-17 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

The Office Action states as follows:

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"In addition, it is noted that the claimed teaching aid is the computer for displaying the teaching material for teaching how to play a guitar."

However, the teaching aid may also be other media as well. As stated in paragraph 10 of the specification,

"While it is presently preferred to embody the learning aid in the form of computer generated displays, it is also contemplated within the true spirit and scope of the present invention to embody the principles of the disclosed embodiments of the invention in other media such as the printed media where the devices as disclosed herein may be displayed as part of a book, or other printed device."

The displays shown in the drawings and the specification of the subject application can be presented in printed media. When displayed on a computer, it is, of course, well within the current state of the art to program a computer to generate such a display once given the displays illustrated in the drawings of the above-identified patent application.

Notwithstanding the foregoing, Applicant has cancelled claims 1-17, so this rejection is moot. Applicant submits that new claims 18-33 do not contain subject matter which was not described in the specification.

Response to Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-17 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter

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which applicant regards as the invention. Applicant has cancelled claims 1-17, so this rejection is moot. Applicant submits that new claims 18-33 are not indefinite.

#### Response to Claim Rejections Under 35 U.S.C. §101

Claims 1-9 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant has cancelled claims 1-9, so this rejection is moot. Applicant submits that new claims 18-33 are not directed to non-statutory subject matter.

#### Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-3, 8-12, and 17 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Forrest (U.S. Pat. No. 4,716,806). Applicant has cancelled claims 1-3, 8-12, and 17, so this rejection is moot. Applicant submits that new claims 18-33 are not anticipated by Forrest.

For a proper rejection of a claim under 35 U.S.C. §102(b), the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

#### *Independent Claims 18 and 26*

Independent claim 18 and 26 are allowable for at least the reason that Forrest does not disclose, teach, or suggest that "the columns are organized so that adjacent columns to a first column having a first musical key include chords corresponding with the first musical key." Forrest merely discloses columns that are organized alphabetically as shown in Fig. 4. Notwithstanding, the undersigned has reviewed the entirety of the Forrest patent and has failed to identify any such teaching anywhere within this reference.

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In short, Forrest does not teach the arrangement of chord combinations in a matrix. In the preferred embodiment of the invention, Applicant arranges his matrix such that given any musical key column representing a desired musical key, there are nine chords of a chord combination indicated. In the preferred embodiment, the nine chords are displayed collectively in the given column and in the adjacent two columns. In this embodiment, there are three chords in each column, and thus there are a total of nine chords in the three adjacent columns illustrating the chord combination. Thus, the user can select any one of the chords of the chord combination to play the musical instrument in the selected musical key. The user can also view the chord position indicia and the finger position indicia to display how selected ones of the chords of the chord combinations are to be played. Thus, in the preferred embodiment, a user can conveniently view nine different chords of a chord combination which can be played in a given musical key, and the finger positions of the user can be learned by viewing the corresponding chord position indicia and finger position indicia to learn how to play the selected ones of the chords of the chord combinations.

Forrest does not disclose any such convenient method or apparatus for learning chord combinations. Forrest does not disclose chord combinations, nor does Forrest disclose "chord position indicia," nor "finger position indicia." Forrest does not disclose "musical key columns."

#### Response to Claim Rejections Under 35 U.S.C. §103

Claims 4-7 and 13-16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Forrest in view of Weiss et al. (U.S. Pat. No. 5,270,475). Applicant has cancelled claims 4-7 and 13-16, so this rejection is moot. Applicant submits that new claims 18-33 are patentable over Forrest in view of Weiss. Weiss does not overcome the above described shortcoming of the Forrest patent regarding the organization of the columns, the arrangement of chord combinations, nor the use of

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"chord position indicia" and "finger position indicia" for displaying "how selected ones of the chords of the chord combinations are to be played." The Weiss arrangement is not configured in "musical key columns," nor are the Weiss columns arranged in chord combinations for a given "musical key column." In short, neither Forrest, nor Weiss, discloses or suggests the learning of chord combinations.

*Dependent Claims*

Dependent claims 19-25 and 27-33 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 18 and 26, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 18-33 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-231-3666.

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Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: September 28, 2005

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